

Introduced by Senator Brulte

February 21, 2003

An act to amend Section 17217 of the Education Code, relating to schoolsite acquisition.

LEGISLATIVE COUNSEL'S DIGEST

SB 763, as introduced, Brulte. Schoolsite acquisition: approval process.

Existing law authorizes the governing board of a school district to acquire a site for a school building if the county committee on school district reorganization has received a petition for acquisition of the site and reports its recommendations, within 60 days, to the affected governing boards and county superintendents.

This bill would instead authorize the governing board of a school district to acquire a site for a school building if the petition requesting the acquisition is approved by a majority of the members of the governing board of the acquiring school district and filed with the county superintendent in charge of that district, and the county committee on school district reorganization has approved the petition, as specified. By requiring the governing board of the acquiring school district to approve and file the petition for acquisition, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17217 of the Education Code is
2 amended to read:

3 17217. (a) The governing board of a school district may
4 acquire a site for a school building contiguous to the boundaries
5 of the district and upon the acquisition of the site it shall become
6 a part of the district. ~~The~~

7 (b) ~~The site shall~~ may not be acquired until a petition requesting
8 the acquisition is approved by a majority of the members of the
9 governing board of the acquiring school district and filed with the
10 county superintendent of schools with jurisdiction over the
11 acquiring school district and the county committee on school
12 district organization of the county or of each of the counties
13 concerned has received the proposal for acquisition of the site and
14 reported its recommendations thereon to the governing boards of
15 the districts concerned and to each county superintendent of
16 schools concerned. ~~The report of the county committee shall be~~
17 ~~made within 60 days from the time the proposal for acquisition of~~
18 ~~the site was submitted to it. The approved the petition pursuant to~~
19 ~~Chapter 4 (commencing with Section 35700) of Part 21.~~

20 (c) The power of eminent domain may be used for the purposes
21 of this section.

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23 (d) A schoolsite is contiguous for the purpose of this section
24 although separated from the boundaries of the district by a road,
25 street, stream, or other natural or artificial barrier or right-of-way.

26 SEC. 2. Notwithstanding Section 17610 of the Government
27 Code, if the Commission on State Mandates determines that this
28 act contains costs mandated by the state, reimbursement to local
29 agencies and school districts for those costs shall be made pursuant
30 to Part 7 (commencing with Section 17500) of Division 4 of Title
31 2 of the Government Code. If the statewide cost of the claim for

- 1 reimbursement does not exceed one million dollars (\$1,000,000),
- 2 reimbursement shall be made from the State Mandates Claims
- 3 Fund.

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